

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 39

HOUSE BILL 2760

AN ACT

AMENDING TITLE 15, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-342.01; AMENDING SECTION 15-2002, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 3, article 3, Arizona Revised Statutes,
3 is amended by adding section 15-342.01, to read:

4 15-342.01 School districts; roof inspection protocol

5 A SCHOOL DISTRICT SHALL DEVELOP A ROOF INSPECTION PROTOCOL THAT SHALL
6 BE USED PRIOR TO ANY REPAIR OR REPLACEMENT OF ROOF ELEMENTS OR ROOF MOUNTED
7 EQUIPMENT PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING
8 OFFICIAL REQUIRING A PERMIT. INSPECTIONS SHALL BE CONDUCTED BY A REGISTERED
9 STRUCTURAL ENGINEER OR OTHER PROFESSIONAL WITH APPROPRIATE SKILLS, TRAINING
10 AND CERTIFICATION.

11 Sec. 2. Section 15-2002, Arizona Revised Statutes, is amended to read:
12 15-2002. Powers and duties; executive director; staffing;

13 report

14 A. The school facilities board shall:

15 1. Make assessments of school facilities and equipment deficiencies
16 and approve the distribution of grants as appropriate.

17 2. Develop a database for administering the building renewal formula
18 prescribed in section 15-2031 and administer the distribution of monies to
19 school districts for building renewal.

20 3. Inspect school buildings at least once every five years to ensure
21 compliance with the building adequacy standards prescribed in section 15-2011
22 and routine preventative maintenance guidelines as prescribed in this section
23 with respect to construction of new buildings and maintenance of existing
24 buildings. The school facilities board shall randomly select twenty school
25 districts every thirty months and inspect them pursuant to this paragraph.

26 4. Review and approve student population projections submitted by
27 school districts to determine to what extent school districts are entitled to
28 monies to construct new facilities pursuant to section 15-2041. The board
29 shall make a final determination within six months of the receipt of an
30 application by a school district for monies from the new school facilities
31 fund.

32 5. Certify that plans for new school facilities meet the building
33 adequacy standards prescribed in section 15-2011.

34 6. Develop prototypical elementary and high school designs. The board
35 shall review the design differences between the schools with the highest
36 academic productivity scores and the schools with the lowest academic
37 productivity scores. The board shall also review the results of a valid and
38 reliable survey of parent quality rating in the highest performing schools
39 and the lowest performing schools in this state. The survey of parent
40 quality rating shall be administered by the department of education. The
41 board shall consider the design elements of the schools with the highest
42 academic productivity scores and parent quality ratings in the development of
43 elementary and high school designs. The board shall develop separate school
44 designs for elementary, middle and high schools with varying pupil
45 capacities.

1 7. Develop application forms, reporting forms and procedures to carry
2 out the requirements of this article.

3 8. Review and approve or reject requests submitted by school districts
4 to take actions pursuant to section 15-341, subsection G.

5 9. Submit electronically an annual report by December 15 to the
6 speaker of the house of representatives, the president of the senate, the
7 superintendent of public instruction, the director of the Arizona state
8 library, archives and public records and the governor that includes the
9 following information:

10 (a) A detailed description of the amount of monies distributed by the
11 school facilities board in the previous fiscal year.

12 (b) A list of each capital project that received monies from the
13 school facilities board during the previous fiscal year, a brief description
14 of each project that was funded and a summary of the board's reasons for the
15 distribution of monies for the project.

16 (c) A summary of the findings and conclusions of the building
17 maintenance inspections conducted pursuant to this article during the
18 previous fiscal year.

19 (d) A summary of the findings of common design elements and
20 characteristics of the highest performing schools and the lowest performing
21 schools based on academic productivity, including the results of the parent
22 quality rating survey. For the purposes of this subdivision, "academic
23 productivity" means academic year advancement per calendar year as measured
24 with student-level data using the statewide nationally standardized
25 norm-referenced achievement test.

26 10. By December 1 of each year, report electronically to the joint
27 committee on capital review the amounts necessary to fulfill the requirements
28 of sections 15-2022, 15-2031 and 15-2041 for the following fiscal year and
29 the estimated amounts necessary to fulfill the requirements of sections
30 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal
31 year. The board shall provide copies of the report to the president of the
32 senate, the speaker of the house of representatives and the governor.

33 11. Adopt minimum school facility adequacy guidelines to provide the
34 minimum quality and quantity of school buildings and the facilities and
35 equipment necessary and appropriate to enable pupils to achieve the
36 educational goals of the Arizona state schools for the deaf and the blind.
37 The school facilities board shall establish minimum school facility adequacy
38 guidelines applicable to the Arizona state schools for the deaf and the
39 blind.

40 12. In each even-numbered year, report electronically to the joint
41 committee on capital review the amounts necessary to fulfill the requirements
42 of sections 15-2031 and 15-2041 for the Arizona state schools for the deaf
43 and the blind for the following two fiscal years. The Arizona state schools
44 for the deaf and the blind shall incorporate the findings of the report in
45 any request for building renewal monies and new school facilities monies.

1 Any monies provided to the Arizona state schools for the deaf and the blind
2 for building renewal and for new school facilities are subject to legislative
3 appropriation.

4 13. By June 15 of each year, submit electronically detailed information
5 regarding demographic assumptions, a proposed construction schedule and new
6 school construction cost estimates for individual projects approved in the
7 current fiscal year and expected project approvals for the upcoming fiscal
8 year to the joint committee on capital review for its review. A copy of the
9 report shall also be submitted electronically to the governor's office of
10 strategic planning and budgeting. The joint legislative budget committee
11 staff, the governor's office of strategic planning and budgeting staff and
12 the school facilities board staff shall agree on the format of the report.

13 14. Every two years, provide school districts with information on
14 improving and maintaining the indoor environmental quality in school
15 buildings.

16 B. The school facilities board may contract for the following services
17 in compliance with the procurement practices prescribed in title 41,
18 chapter 23:

19 1. Private services.

20 2. Construction project management services.

21 3. Assessments for school buildings to determine if ~~they~~ THE BUILDINGS
22 have outlived their useful life pursuant to section 15-2041, subsection G.

23 4. Services related to land acquisition and development of a school
24 site.

25 C. The governor shall appoint an executive director of the school
26 facilities board pursuant to section 38-211. The executive director is
27 eligible to receive compensation as determined pursuant to section 38-611 and
28 may hire and fire necessary staff as approved by the legislature in the
29 budget. The executive director shall have demonstrated competency in school
30 finance, facilities design or facilities management, either in private
31 business or government service. The executive director serves at the
32 pleasure of the governor. The staff of the school facilities board is exempt
33 from title 41, chapter 4, articles 5 and 6. The executive director:

34 1. Shall analyze applications for monies submitted to the board by
35 school districts.

36 2. Shall assist the board in developing forms and procedures for the
37 distribution and review of applications and the distribution of monies to
38 school districts.

39 3. May review or audit, or both, the expenditure of monies by a school
40 district for deficiencies corrections, building renewal and new school
41 facilities.

42 4. Shall assist the board in the preparation of the board's annual
43 report.

44 5. Shall research and provide reports on issues of general interest to
45 the board.

1 6. May aid school districts in the development of reasonable and
2 cost-effective school designs in order to avoid statewide duplicated efforts
3 and unwarranted expenditures in the area of school design.

4 7. May assist school districts in facilitating the development of
5 multijurisdictional facilities.

6 8. Shall assist the board in any other appropriate matter or method as
7 directed by the members of the board.

8 9. Shall establish procedures to ensure compliance with the notice and
9 hearing requirements prescribed in section 15-905. The notice and hearing
10 procedures adopted by the board shall include the requirement, with respect
11 to the board's consideration of any application filed after July 1, 2001 or
12 after December 31 of the year in which the property becomes territory in the
13 vicinity of a military airport or ancillary military facility as defined in
14 section 28-8461 for monies to fund the construction of new school facilities
15 proposed to be located in territory in the vicinity of a military airport or
16 ancillary military facility, that the military airport receive notification
17 of the application by first class mail at least thirty days before any
18 hearing concerning the application.

19 10. May expedite any request for monies in which the local match was
20 not obtained for a project that received preliminary approval by the state
21 board for school capital facilities.

22 11. Shall expedite any request for monies in which the school district
23 governing board submits an application that shows an immediate need for a new
24 school facility.

25 12. Shall make a determination as to administrative completion within
26 one month after the receipt of an application by a school district for monies
27 from the new school facilities fund.

28 13. Shall provide technical support to school districts as requested by
29 school districts in connection with the construction of new school facilities
30 and the maintenance of existing school facilities and may contract directly
31 with construction project managers pursuant to subsection B of this section.
32 This paragraph does not restrict a school district from contracting with a
33 construction project manager using district or state resources.

34 D. When appropriate, the school facilities board shall review and use
35 the statewide school facilities inventory and needs assessment conducted by
36 the joint committee on capital review and issued in July, 1995.

37 E. The school facilities board shall contract with one or more private
38 building inspectors to complete an initial assessment of school facilities
39 and equipment and shall inspect each school building in this state at least
40 once every five years to ensure compliance with section 15-2011. A copy of
41 the inspection report, together with any recommendations for building
42 maintenance, shall be provided to the school facilities board and the
43 governing board of the school district.

1 F. The school facilities board may consider appropriate combinations
2 of facilities or uses in making assessments of and curing deficiencies
3 pursuant to subsection A, paragraph 1 of this section and in certifying plans
4 for new school facilities pursuant to subsection A, paragraph 5 of this
5 section.

6 G. The board shall not award any monies to fund new facilities that
7 are financed by class A bonds that are issued by the school district.

8 H. The board shall not distribute monies to a school district for
9 replacement or repair of facilities if the costs associated with the
10 replacement or repair are covered by insurance or a performance or payment
11 bond.

12 I. The board may contract for construction services and materials that
13 are necessary to correct existing deficiencies in school district facilities.
14 The board may procure the construction services necessary pursuant to this
15 subsection by any method, including construction-manager-at-risk,
16 design-build, design-bid-build or job-order-contracting as provided by title
17 41, chapter 23. The construction planning and services performed pursuant to
18 this subsection are exempt from section 41-791.01.

19 J. The school facilities board may enter into agreements with school
20 districts to allow school facilities board staff and contractors access to
21 school property for the purposes of performing the construction services
22 necessary pursuant to subsection I of this section.

23 K. Each school district shall develop routine preventative maintenance
24 guidelines for its facilities. THE GUIDELINES SHALL INCLUDE PLUMBING
25 SYSTEMS, ELECTRICAL SYSTEMS, HEATING, VENTILATION AND AIR CONDITIONING
26 SYSTEMS, SPECIAL EQUIPMENT AND OTHER SYSTEMS AND FOR ROOFING SYSTEMS SHALL
27 RECOMMEND VISUAL INSPECTIONS PERFORMED BY DISTRICT STAFF FOR SIGNS OF
28 STRUCTURAL STRESS AND WEAKNESS. The guidelines shall be submitted to the
29 school facilities board for review and approval. If ~~upon~~ ON inspection by
30 the school facilities board it is determined that a school district facility
31 was inadequately maintained pursuant to the school district's routine
32 preventative maintenance guidelines, the school district shall use building
33 renewal monies pursuant to section 15-2031, subsection L to return the
34 building to compliance with the school district's routine preventative
35 maintenance guidelines. Once the district is in compliance, it no longer is
36 required to use building renewal monies for preventative maintenance.

37 L. The school facilities board may temporarily transfer monies between
38 the capital reserve fund established by section 15-2003, the emergency
39 deficiencies correction fund established by section 15-2022, the building
40 renewal fund established by section 15-2031 and the new school facilities
41 fund established by section 15-2041 if all of the following conditions are
42 met:

43 1. The transfer is necessary to avoid a temporary shortfall in the
44 fund into which the monies are transferred.

1 2. The transferred monies are restored to the fund where the monies
2 originated as soon as practicable after the temporary shortfall in the other
3 fund has been addressed.

4 3. The school facilities board reports to the joint committee on
5 capital review the amount of and the reason for any monies transferred.

6 M. After notifying each school district, and if a written objection
7 from the school district is not received by the school facilities board
8 within thirty days of the notification, the school facilities board may
9 access public utility company records of power, water, natural gas, telephone
10 and broadband usage to assemble consistent and accurate data on utility
11 consumption at school facilities to determine the effectiveness of facility
12 design, operation and maintenance measures intended to reduce energy and
13 water consumption and costs. Any public utility that provides service to a
14 school district in this state shall provide the data requested by the school
15 facilities board pursuant to this subsection.

APPROVED BY THE GOVERNOR APRIL 9, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2010.